

**TOWN OF CONCORD
SELECT BOARD
AGENDA**

October 7, 2019 – 7:00PM – REGULAR MEETING

October 7, 2019 – FOLLOWING REGULAR MEETING – EXECUTIVE SESSION

Select Board Room – Town House

1.	Call to Order
2.	<p>Consent Agenda:</p> <ul style="list-style-type: none"> • Town Accountant Warrants • Minutes: none • Endorsement of Acton Town Manager, John Mangiaratti, to serve as the representative for the MAGIC sub-region in the Boston MPO • Gifts <ul style="list-style-type: none"> -Friends of Concord Carlisle Fields \$50,000 CCHS turf fields -The Boston Foundation \$1,500 Thomas G. Curtain – Bobby Kargula Nanae Gift Account -The Lindsay Foundation \$3,050 Hugh Cargill Trust Fund • Proclamations <ul style="list-style-type: none"> -Small Business Saturday, November 30th, 2019 • One Day Special Licenses <ul style="list-style-type: none"> - The Umbrella Community Arts Center 11/1 7pm-11pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/2 7pm-11pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/3 2pm-6pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/7 6:30pm-10:30pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/8 7pm-11pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/9 7pm-11pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/10 2pm-6pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/14 6:30pm-10:30pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/15 7pm-11pm 40 Stow St. Wines & Malt Only - The Umbrella Community Arts Center 11/16 7pm-11pm 40 Stow St. Wines & Malt Only -The Umbrella Community Arts Center 11/17 2pm-6pm 40 Stow St. Wines & Malt Only -The Umbrella Community Arts Center 11/21 6:30pm-10:30pm 40 Stow St. Wines & Malt Only -The Umbrella Community Arts Center 11/22 7pm-11pm 40 Stow St. Wines & Malt Only -The Umbrella Community Arts Center 11/23 7pm-11pm 40 Stow St. Wines & Malt Only
3.	Town Manager's Report
4.	Chair's Remarks
5.	Review of Junction Village Project and HOME request
6.	Update from Director of Finance on the 2019 Refunding Bonds
7.	Presentation by Finance Committee on a Warrant Article to Establish a Debt Stabilization Fund
8.	Discussion on authorizing Town Manager to sign warrants if Select Board members are not available
9.	Committee Liaison Reports
10.	Miscellaneous/Correspondence
11.	Town Manager Nominations with Select Board Approval: Tory Lambert of 149 College Road to the Board of Assessors for a term to expire May 31, 2022; Bill Kemeza of 28 Davis Court to the Trails Committee.
12.	Committee Nominations: Hailey Orvedal of 76 Upland Road to the Planning Board for a term to expire May 31 st , 2024. Todd Benjamin of 333 Sudbury Road to the Capital Planning Task Force for a term to expire April 7 th , 2020. Virginia (Dinny) McIntyre of 26 Simon Willard Road to the Tax Relief Committee for a term to expire May 31, 2022.
13.	Committee Appointments: Jane Obbagy, Executive Director of Chamber of Commerce (per committee charge), and Beth Williams, Tourism and Visitor Services Manager (per committee charge) to the Economic Vitality Committee for a term to expire May 31, 2022; Holly Darzen of 155 Heath's Bridge Road to the Affordable Housing Trust Study Committee for a term to expire March 23, 2020. Kerry Lafleur, Finance Director (per committee charge), and Stephen Crane, Town Manager (per committee charge), to the Capital Planning Task Force for a term to expire April 7 th , 2020.
14.	Determine Select Board nominee to Capital Planning Task Force
15.	Public Comments

16.	Executive Session for the purposes of discussing ongoing litigation regarding Estabrook land. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
17.	Reconvene in Open Session
18.	Adjourn

PENDING

Monday	October 21	7 pm	Select Board Meeting	Town House
Monday	November 4	7 pm	Select Board Meeting	Town House
Monday	November 18	7 pm	Select Board Meeting	Town House
Monday	December 2	7 pm	Select Board Meeting	Town House
Monday	December 16	7 pm	Select Board Meeting	Town House
Monday	December 30	7 pm	Select Board Meeting	Town House
Monday	January 13	7 pm	Select Board Meeting	Town House
Monday	January 27	7 pm	Select Board Meeting	Town House
Monday	February 10	7 pm	Select Board Meeting	Town House

Supporting materials for agenda items are available online at www.concordma.gov/sbmtgdocs. Materials are uploaded on the Friday before a Select Board meeting.



Office of the Town Manager

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
(978) 929-6611
www.actonma.gov
manager@actonma.gov

September 18, 2019

Dear MAGIC community member,

With the annual elections of the Boston Regional Metropolitan Planning Organization (MPO) underway this Fall, the Town of Acton is excited to share its candidacy to represent the MAGIC sub-region, and we are seeking support from your community.

The MAGIC sub-region has demonstrated economic development successes which have been supported through its involvement in the development of the Long-Range Transportation Plan, Transportation Improvement Plan (TIP), and Unified Planning Work Program. Our region has also experienced challenges due to our aging infrastructure and the need to achieve greater equity in the region. Planning documents such as the TIP have provided critical project funding to support consistent and timely reinvestment in our infrastructure. As the MPO is planning the next release of these documents, Acton pledges to exercise the best interests of the sub-region for sustainable economic vitality.

The Town of Acton through its staff and community advocates have led efforts such as Cross-Town Connect, which is an award-winning Transportation Management Association comprised of over 20 public and private stakeholders in our region. Acton has been an active participant regional bicycle infrastructure planning with the two regional rail trails: the Bruce Freeman Rail Trail and the Assabet River Rail Trail. Most recently, Acton joined the Minuteman Bike Share program, and is continuing to investigate regional solutions to support the very active South Acton Commuter Rail MBTA Station. Acton is well-versed in the TIP process and familiar with the criteria and methodology that is used to evaluate projects eligible for funding.

We recognize and applaud the hard work the Town of Bedford has performed on behalf of the region for the past decade. Former Bedford Town Manager Richard Reed and his supporting staff have represented the region well. We look forward to continue building upon the success of Bedford, while finding new ways to collaborate with Bedford and the remaining MAGIC communities. If elected, our Town Manager John Mangiaratti will provide strong representation for all communities within the sub-region by helping to advance the strategic priorities laid out in the MAGIC FY20 Work Plan, such as the micro-transit pilot with Uber and Lyft, and the Age Friendly Housing and Transportation Planning project. Mr. Mangiaratti has served as Town Manager in Acton since July 2018. He has 14 years of experience in Massachusetts municipal government with a strong track record of regional collaboration.

We urge you to exercise your community's opportunity to vote in the MPO election process, and we hope your Chief Elected Official will sign the attached nomination papers for Mr. Mangiaratti by September 27, 2019. The election will be held at MAPC's Fall Council Meeting on October 30th. On that day, the designated officers of MAPC and the Advisory Board shall supervise the election to the municipal seats. Ballots shall be cast by the chief elected official of the municipality (as defined by the

rules for nominees), or that person's designee.

If you would like to speak with me, or Town Manager John Mangiaratti about Acton's candidacy, or any ideas or concerns you may have regarding the MPO, please feel free to call us at (978) 929-6611. Thank you for your consideration.

Very truly yours,



Joan Gardner

Chair, Acton Board of Selectmen
Town of Acton
manager@actonma.gov

(978) 929-6611



Town of Concord

Finance Department
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742
Tel: (978) 318-3090
Fax: (978) 318-3093

Friends of Concord-Carlisle Fields
P.O. Box 1031
Concord, MA 01742

September 23, 2019

Re: Friends of Concord Carlisle Fields/Fields Maintenance Gift Account

This will acknowledge your gift of \$50,000 to the Concord Carlisle Fields/Fields Maintenance Gift Account. Thank you for your generous contribution.

Sincerely,

Kerry Lafleur
Town Treasurer

cc: Town Manager

This gift is deductible for federal income tax purposes to the extent allowed by law. No goods or services were provided in return for this gift. The Town's Tax Exempt ID number is 04-6001121. Gifts made to the Town are deductible in accordance with IRC section 170(c)(1).



Town of Concord

Finance Department
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742
Tel: (978) 318-3090
Fax: (978) 318-3093

September 27, 2019

The Boston Foundation
75 Arlington Street, 10th Floor
Boston, MA 02116

**Re: Thomas G. Curtin – Bobby Kargula Nanae Fund at The
Boston Foundation**

This will acknowledge your gift of \$1,500 made to the Thomas G. Curtin – Bobby Kargula Nanae Gift Account. Thank you for your generous contribution.

Sincerely,

Kerry A. Lafleur
Town Treasurer

cc: Town Manager
Select Board

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BELL & ANDERSON LLC

135 SOUTH LASALLE STREET
SUITE 2350
CHICAGO, ILLINOIS 60603-4153

LINDA L. LANDRETH
(312) 606-2689
llandreth@bellandersonlaw.com

TELEPHONE: 312 425-2700
FACSIMILE: 312 960-9560

September 27, 2019

Sally Clutter, Chair
Hugh Cargill Trust
Town of Concord
Concord Town House
P.O. Box 535
Concord, MA 01742

Re: Grant from the Lindsay Foundation

Dear Ms. Clutter:

Please find enclosed a check in the amount of \$3,050 from the Lindsay Foundation to be allocated to the Hugh Cargill Trust Fund. Town of Concord was recommended to the Lindsay Foundation for consideration as a possible grantee by John Denison.

For tax reporting purposes it is important that our office receive an acknowledgment. Please contact me if you have any questions.

Very truly yours,

BELL & ANDERSON LLC



Linda L. Landreth
Chief Operating Officer

LLL:cw
Enclosure

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

SMALL BUSINESS SATURDAY
NOVEMBER 30th, 2019

- WHEREAS** The government of Concord, MA, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and
- WHEREAS** Small businesses employ 47.5 percent of the employees in the private sector in the United States; and
- WHEREAS** 94% of consumers in the United States value the contributions small businesses make in their community; and
- WHEREAS** 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and
- WHEREAS** 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and
- WHEREAS** 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and
- WHEREAS** Concord, MA supports our local businesses that create jobs, boost our local economy and preserve our communities; and
- WHEREAS** Advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.
- THEREFORE** We, the Select Board of the Town of Concord, Massachusetts, do hereby proclaim, November 30, 2019, as: SMALL BUSINESS SATURDAY, and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

CONCORD SELECT BOARD

DRAFT

Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:49 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/23/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for No
Organization?

If NO, number of years 6
licensed?

More than 100 in Yes
attendance?

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I acknowledge and accept Catherine M Regan
the above statement of
liability

APPLICATION FEE \$75.00

*Please forward to: Town Manager's Office PO Box 535 Concord, MA 01742
Applications cannot be processed until payment is received.*

Acknowledgements I attest the information contained in this form is true and
accurate., I acknowledge that I must pay an application fee of
\$75 and will mail my payment., I acknowledge that no action
will be taken, or scheduled, regarding my application until
payment is received.

IMPORTANT NOTICE **Board & Committee Meeting Calendar**

(Section Break)

TIPS TRAINING

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I acknowledge and agree Copies of card(s) will be mailed separately to the Town
to the Town of Concord's Manager's Office
TIPS Training Policy as
outlined above.

UNDER 21 POLICY

The Town of Concord Select Board assumes that there may be guests or attended under 21 y ears of age at any event. therefore, this policy must be adhered to for all events. Applicants agree to check the ages of all guests at the door. If a persons under the age of 21 are present, his or her hand shall be stamped to indicate the he/she is underage for the bartender.

I certify that Concord's Under 21 Policy, as outlined above, will be followed.

A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance., All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.

Email not displaying correctly? [View it in your browser.](#)

Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:48 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/22/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for No
Organization?

If NO, number of years 6
licensed?

More than 100 in Yes
attendance?

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Sent: Wednesday, October 2, 2019 1:45 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/21/2019 6:30 PM
End Time	10:30 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

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Jeremy Romanul

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To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

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Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/17/2019 2:00 PM
End Time	6:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for
Organization? No

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One Day Special Liquor Licenses

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Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/16/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:37 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
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Event Date & Start Time	11/15/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I acknowledge and accept the above statement of liability Catherine M Regan

APPLICATION FEE \$75.00

*Please forward to: Town Manager's Office PO Box 535 Concord, MA 01742
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Acknowledgements I attest the information contained in this form is true and accurate., I acknowledge that I must pay an application fee of \$75 and will mail my payment., I acknowledge that no action will be taken, or scheduled, regarding my application until payment is received.

IMPORTANT NOTICE

Board & Committee Meeting Calendar

(Section Break)

TIPS TRAINING

The Select Board require that for any event which they issue a special permit, the alcohol provided must be served by a TIPS trained (or equivalent) bartender. TIPS training cards, or their equivalent, must accompany this application. Additionally, each certification must show a photo and name of the bartender(s) and must be current. If a photo is not on the TIPS training cards, a copy of a valid driver's license with a photo should be included. Proof of TIPS credentials must be provided before any application may be voted on by the Select Board.

I acknowledge and agree to the Town of Concord's TIPS Training Policy as outlined above. Copies of card(s) will be mailed separately to the Town Manager's Office

UNDER 21 POLICY

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I certify that Concord's Under 21 Policy, as outlined above, will be followed.

A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance., All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.

Email not displaying correctly? [View it in your browser.](#)

Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:35 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/14/2019 6:30 PM
End Time	10:30 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

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IMPORTANT NOTICE **Board & Committee Meeting Calendar**

(Section Break)

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:34 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/10/2019 2:00 PM
End Time	6:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

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IMPORTANT NOTICE

Board & Committee Meeting Calendar

(Section Break)

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:32 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/9/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I acknowledge and accept the above statement of liability Catherine M Regan

APPLICATION FEE \$75.00

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IMPORTANT NOTICE **Board & Committee Meeting Calendar**

(Section Break)

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 1:29 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/8/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I acknowledge and accept the above statement of liability Catherine M Regan

APPLICATION FEE \$75.00

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IMPORTANT NOTICE **Board & Committee Meeting Calendar**

(Section Break)

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UNDER 21 POLICY

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 12:30 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/7/2019 6:30 PM
End Time	10:30 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for No
Organization?

If NO, number of years 6
licensed?

More than 100 in Yes
attendance?

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I acknowledge and accept Catherine M Regan
the above statement of
liability

APPLICATION FEE \$75.00

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IMPORTANT NOTICE **Board & Committee Meeting Calendar**

(Section Break)

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I acknowledge and agree Copies of card(s) will be mailed separately to the Town
to the Town of Concord's Manager's Office
TIPS Training Policy as
outlined above.

UNDER 21 POLICY

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 12:28 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Cathie Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/3/2019 2:00 PM
End Time	6:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 12:26 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Catherine M Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	40 Stow St
City	Concord
State	Massachusetts
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/2/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

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Jeremy Romanul

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 12:22 PM
To: licensing board; Town Manager's Office
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	The Umbrella Community Arts Center
Applicant Name	Cathie Regan
Email Address	cregan@theumbrellaarts.org
Applicant Address	40 Stow St
City	Concord
State	MA
Zip Code	01742
Phone Number	9783710820
Name of Event	Fences performance
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	11/1/2019 7:00 PM
End Time	11:00 PM
Premises to be Licensed	The Umbrella Community Arts Center
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 6

More than 100 in attendance? Yes

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(Section Break)

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TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Stephen Crane, Town Manager

MEMORANDUM

To: Chairman Lawson and Members of the Board

From: Stephen Crane, Town Manager
Kate Hodges, Deputy Town Manager

Date: October 7, 2019

Re: Town Manager Report

Complete Streets Tier 3 Construction Grant Submittals - The Town of Concord was notified on Friday that our Prioritization Plan was approved by MassDOT which now allows the Town to apply for up to \$400,000 in construction grant funding for our year one projects during the fall grant round with applications due on October 1, 2019. Three applications have now been submitted which include pedestrian, ADA and traffic calming improvements to Hubbard Street, improvements to a section of Commonwealth Avenue, between Beharrell Street and Bradford street, to include curb ramps, curb extensions, sidewalks and traffic calming and improvements to the intersection of Sudbury Road, Seven Star Lane and Oxbow Lane to include curb ramps, advanced warning signs and rectangular rapid flashing beacons.

The Complete Streets Tier 3 process is a competitive process which scores projects on set criteria including safety benefits, pedestrian mobility improvements, bicycling mobility improvements, transit access improvements, project readiness, network connectivity, improvements to crossings, degree of public support, compatibility with local and regional planning and cost.

BOH Tobacco Regulations

The Concord Board of Health is in the process of developing regulations to address the recent surge in teen vaping, which the American Medical Association has recognized as an urgent public health epidemic. The 2018 Concord Carlisle Youth Risk Behavior Survey (YRBS) shows that 23% of CCHS students have vaped within the past 30 days; this rate has doubled since the 2016 YRBS. 34% of CCHS students in Grade 12 report vaping in the past 30 days.

The Board of Health has been active in tobacco control efforts since the 1990s when it first The Board's tobacco regulation has been updated through the years to reflect emerging trends in tobacco control, most recently in 2014 when the legal sales age for purchase of tobacco products was raised to age 21. The Board is again considering a significant revision to its existing regulation to further address reducing youth access to vaping products and other flavored tobacco products which appeal to youth. The Board will discuss proposed revisions to the regulation at its October 16 meeting.

CPA Opinion

Attached for your information is an opinion from Town Counsel regarding two CPA applications that were submitted by private entities for funds that would be used on religious institutions in light of the Anti-Aid Amendment. In short, the bell/clock tower project should be allowable but the exterior renovations to a church office building is likely not.

ANDERSON KREIGER

MEMORANDUM

To: Stephen Crane, Town Manager
Heather Gill, Senior Planner
Community Preservation Committee

From: Kevin Batt
Mina S. Makarios

Date: October 4, 2019

RE: Eligibility of Projects for Community Preservation Act Grants

You have asked our opinion on the eligibility of two projects for grants from the Community Preservation Act (CPA) funds. The first proposed project is sponsored by the First Parish of Concord to restore the Town Clock and Bell together with the tower/belfry of the church that holds the Town Clock and Bell. The second project is sponsored by the Holy Family Parish to renovate the church rectory to convert to church offices.

I. Legal Background

Rehabilitation and restoration of historic resources is generally eligible for CPA funding. Both church properties are located within the North Bridge – Monument Square Historic District, and therefore would likely qualify as historic resources.

However, in 2018, the Supreme Judicial Court decided that the Town of Acton's grant of CPA funds to the Acton Congregational Church (which is within the Acton Historic District) for renovation of historic stained glass windows violated Article 18 of the Amendments to the Massachusetts Constitution, as amended by Articles 46 and 103 (the "Anti-Aid Amendment"). *Caplan v. Town of Acton*, 479 Mass. 69, 95 (2018). Section 2 of the Anti-Aid Amendment prohibits "the grant, appropriation or use of public money . . . for the purpose of founding, maintaining or aiding any church, religious denomination or society." The Court also remanded to the trial court the question of whether CPA grant funds could be used for a Master Plan for Historic Preservation of the church, including the bell tower, and two adjacent residential houses on the church property. *Id.* at 83-84. The Acton Congregational Church withdrew its CPA application before a remand rather than continue with litigation.

In reaching its decision, the SJC rejected an absolute ban on grants to churches as inconsistent with both the Free Exercise clause of the First Amendment to the United States Constitution and with the wording of the Anti-Aid Amendment itself, which banned such public funds only when used for enumerated purposes. In the year prior to *Caplan*, the United States Supreme Court had ruled that the denial of a public grant under a general government program to a church to resurface its playground, based on a similar anti-aid provision in Missouri's Constitution, violated the Free Exercise Clause. *Trinity Lutheran Church of Columbia, Inc. v. Comer*, --- U.S.

---, 137 S.Ct. 2012, 2017, 2024-2025 (2017). The concurrence in *Caplan* noted that Supreme Court jurisprudence was evolving and confusing because of the tension between the First Amendment's religion clauses, which prohibit government interference with free religious exercise while prohibiting government establishment of religion. *Caplan* at 96-97 (Kafker, J. concurring).

Therefore, instead of a categorical exclusion of public funds for churches, the SJC in *Caplan* applied a three factor test as guidelines to determine whether public funds could be granted to private, religious institutions in particular instances. *Caplan* at 85. The three factors are: "(1) whether the purpose of the challenged statute is to aid private [churches]; (2) whether the statute does in fact substantially aid such [churches]; and (3) whether the statute avoids the political and economic abuses which prompted passage of [the anti-aid amendment]." *Caplan*, citing *Commonwealth v. School Comm. of Springfield*, 382 Mass. 665, 675 (1981). The third factor refers to the risks that government funding would infringe on taxpayers' "liberty of conscience" or would improperly entangle government with religion and undermine the independence and dignity of churches. *Caplan* at 90 (Kafker, J. concurring).

The *Caplan* concurrence defines a narrow category of exclusions from generally available public benefit programs for funding sought for an "essentially religious endeavor that raises important constitutional antiestablishment concerns." *Id.* at 99 (Kafker, J. concurring). With this complicated and still settling legal background in mind, we offer the following views on the CPA applications at issue. We rely on facts and statements in the applications for the projects to reach our conclusions.

II. Restoration of Bell Tower/Clock at First Parish Church of Concord

The history of the clock and bell housed in the tower/belfry, as recited in the CPA Application, shows that they are Town-owned property, purchased with Town funds. Electricity and replacement lamps for the illuminated clock were supplied by the Town until the 1990s, and then assumed by the Church. The tower/belfry appears to be integrally related to the functioning of the illuminated Town-owned clock and bell, both sheltering these mechanisms and displaying them for the purpose of public measurement and sounding of daily time. According to the Application, the tower/belfry has served both secular and religious functions historically and is a prominent element in the historic Concord landscape.

Applying the three factors outlined in *Caplan*:

- the purpose of the CPA funding is not to aid the Church, but rather to protect and restore Town-owned property used for Town purposes;
- the CPA funding may provide some aid to the Church, but the Church itself is also contributing a share of the project cost, and the CPA funding does not appear to be supplanting funds that the Church would otherwise have to provide itself;
- the bell, clock and tower/belfry are all deployed for secular, as well as religious purposes and funding for their restoration would not likely offend the religious sensibilities of local taxpayers, unlike restoration of stained glass windows with religious imagery;

- government is to some degree entangled with the Church in how it proceeds to restore the tower, clock and bell, not because of CPA funding, but rather because of neutral legal requirements in addressing lead abatement and historic district requirements.

Accordingly, we believe this project is likely eligible for CPA funding without running afoul of the Anti-Aid Amendment.

III. Holy Family Parish

Holy Family Parish has applied to renovate an existing building used as a church rectory and convert the building to use as church offices. The building is located in a historic district. Exterior improvements to the building and the site are proposed as well as complete interior renovation. No itemized budget has been provided. The requested CPA funds are \$150,000 while the overall project budget is \$4 million. An itemized budget would serve to show which long-lasting exterior improvements regulated by historic district requirements might be eligible for CPA funding. For purposes of this memorandum, we assume that the relatively small percentage of CPA funds could be allocated to eligible exterior improvements.

Applying the three factors from *Caplan*, the project appears to further a religious purpose of providing space for church offices and the amount of the grant would be substantial. As in *Caplan*, the preservation of exterior architectural elements of the building may serve to advance public interests, but there is no other clear public purpose advanced. Non-Catholic taxpayers may well object to funds advancing the administrative purposes of a Catholic institution. As in *Caplan*, the restrictions and conditions that may be included in a grant agreement, over and above compliance with historic district requirements, may risk inappropriate entanglement of local government with the specifications of the Church project and the Church's disposition of CPA funds.

Accordingly, we think a CPA grant fund to the Holy Family Parish may cross the line, imprecise as that legal line may be, and violate the Anti-Aid Amendment. With more information, the funding of some small segment may be eligible, but without that delineation in the budget and application, the application as it stands is not eligible.



Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Sudbury, Wayland, and Weston

Office Address: 37 Knox Trail, Acton, MA 01720
Phone: (978) 287-1092

Website: WWW.RHSOhousing.org
Email: INFO@RHSOhousing.org

October 2, 2019

To: Stephen Crane
CC: Marcia Rasmussen
From: Liz Rust, RHSO
RE: Junction Village update

Dear Stephen,

Thank you for providing time on the Select Board agenda of October 7, 2019 for the Junction Village development.

I have included a Junction Village status, site schematic and Memorandum of Understanding (from 2017) for a general status on the development.

Also included in the package are HOME documents for the Board's consideration. First, the HOME RFP submission for Junction Village, and second, the FY20 HOME Sub-recipient agreement accepting the terms of the HOME Program and accepting Concord's allocation. Due to the size of the documents, only summaries are provided here.

The Board is asked to vote support for the local HOME Program and RFP submission. Specifically:

- VOTE to support the Grantham Group application to the WestMetro HOME Consortium, and authorize the Town Manager to send a letter of support.
- VOTE to support the FY20 HOME Sub-recipient Agreement, and authorize the Town Manager to sign the required agreements.

Sincerely,

Liz Rust



Regional Housing Services Office

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37 Knox Trail
Acton MA 01720
(978) 287-1090

www.RHSOHousing.org
info@RHSOhousing.org

Junction Village Status October 2019

Overview

The Junction Village property is a ~13 acre property deeded to the Concord Housing Development Corporation by the Department of Corrections in 2013. The project has a residential development component, known as Christopher Heights of Concord on ~6 acres and an open space component for the remaining portion of the property.

The residential plan is to construct 83 units of affordable housing for seniors 62+ years old with tiers of affordability: 17 units reserved for extremely low income households at 30% AMI, 26 units for very low income households at 60% AMI, and 40 units for high moderate income households at 150% AMI.

The project has strong local support with \$2,000,000 appropriated in past town meetings: \$1million from free cash in 2017, and \$1million in CPA funds over three years. These local funds will be contributed to the project with no more than 50% of the funds will be provided before Certificate of Occupancy, as defined in the Memorandum of Understanding executed in April 2017.

The development received its 40B Comprehensive permit in May 2017 and added the 83 units to the SHI. In accordance with the DHCD SHI policies, these units have since lapsed and will be (re) added when the building permits are issued. While unlikely, Concord may dip below the 10% SHI in 2021 depending on when DHCD adjusts the denominator (last Census was August 2011), and when Junction Village actually receives its building permits (potentially spring 2021).

Funding

Aside from the already appropriated local funds, the town has agreed to support additional local HOME funds from the \$42,555 of exclusive use funds, and additional funds available through the Competitive Pool RFP process, \$421,281.10. Once awarded, the HOME fund commitment process will require an Environmental Review, and further Select Board approval, and execution of a HOME Funding Agreement and Housing Restriction.

The state funding is an annual process with awards in the summer. Grantham was not awarded financing in the 2018 or 2019 rental round. DHCD has strongly indicated a positive outcome in the summer of 2020. DHCD has asked Grantham to finalize a few details in advance of the February application process: 1) Funding commitment for the HOME funds; 2) Confirmation of amount of property taxes; 3) Finalization of the Ground Lease with the CHDC.

The Junction Village land is owned by the Concord Housing Development Corporation, planned to be leased to Grantham, as further specified in a 2016 Development Agreement between the CHDC and Grantham.

Once funding is awarded, the closing process may take 9 months, resulting in a building permit potentially in spring of 2021, and occupancy 2022. The closing process will bring a regulatory framework for the local funds (restrictions, loan agreements, other documents as necessary) and



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will require town support and legal assistance (to be estimated). It is at this time that the Local Preference will be confirmed.

Open Space area

The non-residential portion of the property will be used for passive recreation, as defined by the Junction Village Open Space Task Force, whose members are appointed by the Select Board. This group is not complete and further appointments are necessary. It would be ideal for the group to be constituted in winter 2020. The open space planning will address baseline conditions, vegetation and plantings, invasive species management as well as design of the pathway including grading and signage as well as developing a construction and operations budget. Grantham has committed \$25,000 of in-kind services for invasive species removal, clean-up and grading of the walking trail and additional funds will be required for the open space construction, a potential CPA article for 2021 Annual Town Meeting, FY22.

There is \$78,550 of previously appropriated CPA funding to the CHDC to complete the remaining pre-development open space technical work including engineering and administrative assistance. While detailed estimates have not been obtained, it is anticipated that no additional funds will be required. This work includes property survey and delineation, emergency access easement on the Department of Corrections property, the proposed drainage easement area and conservation restriction area.

Timetable

- | | |
|------------------|-------------------------------------------------|
| ✓ Summer 2016: | Project Eligibility Letter (PEL) issued by DHCD |
| ✓ May 2017: | Town Meeting, \$1,350,000 Approved. |
| ✓ June 2017: | 40B Permit issued |
| ✓ February 2018: | 1 st DHCD funding application |
| ✓ May 2018: | Town Meeting, CPA year 2. \$350k |
| ✓ August 2018: | State Funding round (not approved) |
| ✓ February 2019: | 2 nd DHCD funding application |
| ✓ May 2019: | Town Meeting, CPA year 3. \$300k |
| ✓ Summer 2019: | State Funding round (not approved) |
| ○ February 2020 | 3rd DHCD funding application |
| ○ Summer 2020 | FINANCING awarded |
| ○ 2021 | Census data released, new SHI |
| ○ Spring 2021: | Closing: Town funds, Ground Lease, CR executed |
| ○ Spring 2021: | Building Permit issued, SHI units reinstated. |
| ○ 2022 | Occupancy |



Junction Village Site



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the "Agreement") is entered into by and between the Town of Concord, Massachusetts (the "Town"), acting by and through its Town Manager, as authorized by its Select Board (the "Select Board"), the Concord Housing Development Corporation ("CHDC"), and the Grantham Group, LLC (the "Developer"). The Agreement represents the understanding between the Town, the Developer, and CHDC (collectively the "Parties") with respect to Developer's proposal to construct an 83-unit affordable assisted living development (the "Project") on approximately six acres of land comprising a portion of Parcel 2013-1 on the Town of Concord's Assessors' Map, which parcel is located at 6X Winthrop Street in West Concord, Massachusetts (the "Site"). The Site is owned by CHDC and leased to the Developer for 99 years pursuant to a Ground Lease to be entered into substantially on the terms and conditions of the Development Agreement of CHDC and the Grantham Group dated February 22, 2016. A plan of the Site is attached hereto as **Exhibit A**.

RECITALS

WHEREAS: CHDC received title the Site and remainder of Parcel 2013-1 from the Commonwealth of Massachusetts in 2013 subject to a restriction that the Site be used for a development project comprised of 100% affordable housing units or open space, and pursuant to which deed the land will revert to the Commonwealth if said conditions are not met;

WHEREAS: The Developer intends to request that the Town grant all necessary permits to build the Project;

WHEREAS: The Developer has applied, or will apply, for federal low income housing tax credits and other public funding in support of the Project;

WHEREAS: The Select Board has requested, and the Concord Community Preservation Committee ("CPC") has recommended, that the 2017 Concord Annual Town Meeting appropriate Community Preservation Act ("CPA") funding in the amount of three hundred and fifty (\$350,000) dollars and in the following two years will request additional CPA funding to bring the total to one million (\$1,000,000.00) dollars for the Project (the "CPA Amount"); and

WHEREAS: The Select Board has requested that the Concord Town Meeting appropriate an additional one million (\$1,000,000.00) dollars from the Town's General Fund to support the Project (the "General Fund Amount", together with the CPA Funding, the "Town Funds");

NOW, THEREFORE, in consideration of the mutual promises of the Parties contained herein and other good and valuable consideration, the receipt of which is acknowledged, the Parties hereby agree as follows:

1. CHDC and the Developer hereby acknowledge that the Town's payment of all or a portion of the Town Funds is subject to appropriation by Concord Town Meeting. Nothing herein shall constitute a commitment to provide funding not yet appropriated by Concord Town Meeting for the Project.
2. The Project must be constructed in conformance with all Federal, State, and local laws, rules, regulations permits and approvals including, without limitation, any and all Special Permits granted by the Concord Zoning Board of Appeals. Notwithstanding the foregoing, nothing in this Agreement shall require the Town or any board, committee, department or official thereof to grant any permit or approval required for the construction of the Project.

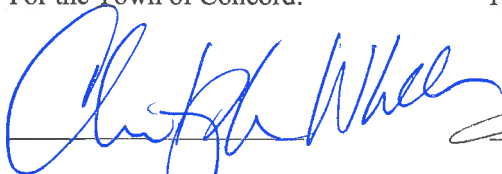
3. The Developer shall bear, or seek funding from sources other than the Town for, any and all costs of the Project, including but not limited to, construction expenses, site development costs or soil remediation costs. The Developer anticipates that these costs shall total \$17,351,533.
4. As required by the deed from the Commonwealth conveying the Site to CHDC, 100% of the units created by the Project will be affordable and will count towards the Town of Concord's subsidized housing inventory ("SHI"); 17 of the units shall be affordable at or below 30% of median household income; 26 of the units shall be affordable at or below 60% of median household income; and 40 of the units shall be affordable at or below 150% of median household income.
5. The CHDC and the Developer agrees that the Project will conform to all of the requirements of the CPC in the use of the CPA Amount, and shall be subject to the Town's standard CPA funding agreement.
6. Roadway and other improvements on the Site will be built by the Developer, at the Developer's expense, and will conform to the Town's specifications, including the Town's specifications for subdivision roads pursuant to the Concord Planning Board's Subdivision Rules and Regulations, and in compliance with all other applicable laws, rules, regulations, and the terms of any Federal, State, or local permits and approvals.
7. CHDC commits to working with the Concord Natural Resources Commission, the Sudbury Valley Trustees and the Concord Land Trust toward the goal of creating a permanent Conservation Restriction, providing for public access, on the portions of the Site not used for the development of the Project.
8. To the greatest extent permitted by law and program requirements for the development of affordable housing of the Commonwealth of Massachusetts, the Developer shall maximize the number of units in the Project offered on a preferential basis to Concord residents.
9. The Developer agrees to minimize disruption to neighborhood during Project construction by conforming to time of work requirements set by the Town, meeting with neighbors to resolve conflicts, and limiting off-Site noise, dust, and litter from the Project.
10. The CHDC agrees that no additional buildings will be constructed on the Site other than those permitted as part of the Project.
11. The Developer agrees not to request any financial support from the Town other than the Town Funds for the construction and development of the Project and acknowledges that the Town is under no obligation to provide any additional financial support; provided however, that this provision shall not apply to bar the Developer from seeking additional Town approvals to allow for the disbursement of the Town Funds.
12. The Developer and CHDC agree to view the Town Funds as a deferred subordinated loan that will be structured according to the terms and conditions imposed by the Commonwealth's Affordable Housing Trust Fund as administered by MassHousing. The Town shall not disburse any Town Funds to the Developer until the Developer has closed on all debt and equity financing necessary for the Project. The Developer agrees that, thereafter, not more than 50% of the Town Funds shall be disbursed to the Developer prior to the issuance of a Certificate of Occupancy for the Project from the Town's building commissioner. The Town shall disburse the balance of the appropriated Town Funds to the Developer upon the

Developer's procurement of a certificate of occupancy from the Town's building commissioner for the Project.

13. The Town agrees to work with the Massachusetts Department of Transportation ("MassDOT") and the Massachusetts Department of Corrections ("DOC") to secure permission for Developer's construction vehicles to use MassDOT and DOC property for access to the Site during the period of construction. Developer and CHDC agree and acknowledge that such permission is not within the Town's control to grant, and that the Town's failure to obtain such permission shall in no way alter the Parties' rights and obligations under this Agreement.
14. No party shall assign its rights or obligations under this Agreement without the prior written consent of all other Parties which may be withheld in any party's sole discretion, provided, however, that the Developer may assign its rights and obligations under this agreement to an entity entirely owned and controlled by the Developer formed to act as the ground tenant of the Site with the Town's prior written consent, which consent, in that case may not be unreasonably withheld.

The Parties enter this Agreement into this 11th day of April 2017.

For the Town of Concord:



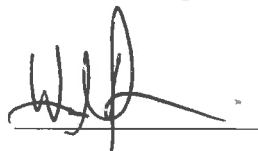
Christopher Whelan
Town Manager

For the CHDC:



Philip Posner
Chair, CHDC

For the Developer:



Walter Ohanian,
Managing Director
Grantham Group, LLC



The GRANTHAM GROUP, LLC

99 Pleasant Street · Marlborough, Massachusetts, 01752
Tel (508) 281-8001 · Fax (508) 449-6751

October 2, 2019

WestMetro HOME Consortium
c/o Newton Planning & Development Department
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Christopher Heights of Concord

Dear Mr. Bencivengo:

We are pleased to submit our HOME Investments Partnership application for the Christopher Heights of Concord for your consideration. We are requesting \$421,000 of local HOME funds from the competitive pool with an additional \$42,555 from Concord's set aside. This brings the total of \$463,555 of local HOME funds from the Consortium needed for this project.

The Grantham Group, LLC. is a limited liability corporation organized under the Laws of the Commonwealth of Massachusetts. Originally founded by Vincent Cucchiara, the firm has been exclusively involved in the development and management of nursing homes, assisted living facilities and senior housing.

In 1994 the city of Worcester made the decision to close the Belmont Home and disperse the residents to other nursing homes. At the same time the Board of Directors at Christopher House™, Inc., a non-profit nursing facility, was looking for property in the area. An agreement was reached with the City and Christopher House acquired the property with the understanding that along with a new nursing facility they would build an affordable assisted living community on the site. The Belmont Home residents were transferred to the new Christopher House state-of-the-art nursing home in 1996. Subsequently, The Grantham Group, innovative developers with over 100 combined years of experience in healthcare and related businesses opened [Christopher Heights™ of Worcester](#), an affordable assisted living community, on the Christopher House campus in 1997.

Over the past twenty+ years The Grantham Group has built on that experience and its reputation as a premier operator of assisted living communities. In addition to Worcester, the Grantham Group developed five additional facilities in Webster, Attleboro, Marlboro, Northampton and Belchertown.

Of significant importance is the fact that all the assisted living communities developed and managed by the Grantham Group utilized Low Income Housing Tax Credits. Some have received additional funding sources such as HOME funds and Affordable Housing Trust funds. The Grantham Group enjoys an excellent reputation and relationship with DHCD, MassDevelopment, and MHFA and is entirely knowledgeable about the necessary working and reporting requirements of these funding sources.

The Grantham Group, LLC is currently responsible for the management of the following facilities:

Christopher House of Worcester: One hundred and fifty-six (156) bed skilled nursing facility located in Worcester, MA with a capital cost of approximately \$13.0 million. The facility was built on time and on budget and was 100% occupied within two months after completion. The facility generates gross revenues of \$15.5 million and has been current on all of its financial covenants since it opened. Grantham assisted the facility in the development of a fundraising program which has established a charitable endowment in excess of \$1,000,000.

Christopher Heights of Worcester. An eighty (80) unit assisted living facility, which opened in May 1997, located in Worcester, MA with a construction cost of approximately \$6.5 million. The facility was constructed on time and on budget and was fully occupied in January 1998. The facility has a historic occupancy rate in the mid-ninety percent range and has always met its financial covenants.

Christopher Heights of Webster. An eighty-three (83) unit assisted living facility located in Webster, MA with a construction cost of approximately \$6.8 million. The facility was constructed on the campus of the former Hubbard Hospital, now operated by Harrington Hospital. The facility has a historic occupancy rate in the mid-ninety percent range and has always met its financial covenants.

Christopher Heights of Attleboro . An eighty-one (81) unit assisted living facility located in Attleboro, MA with a construction cost of approximately \$7.3 million. The facility was constructed on time and on budget. This project was developed in close collaboration with the City of Attleboro and the Attleboro Redevelopment Authority. The facility has a historic occupancy rate in the mid-ninety percent range and has always met its financial covenants.

Christopher Heights of Marlborough. An eighty-three (83) unit assisted living facility located in Marlborough, MA with a construction cost of approximately \$10.6 million. The facility was constructed on time and on budget in April of 2008. The facility has an occupancy rate in the mid-ninety percent range.

Christopher Heights of Northampton An eighty-three (83) unit assisted living facility located in Northampton, MA with a construction cost of approximately \$14.6 million. The facility opened in November 2015.

Christopher Heights of Belchertown An eighty-three (83) unit assisted living facility located in Belchertown, MA with a construction cost of approximately \$15.9 million. The project was awarded 9% federal low-income housing tax credits, HOME funds and Affordable Housing Trust Fund. The facility opened in June 2018.

Lawson Green Located in Scituate, MA it's a 30-unit 62+ affordable senior residence to be constructed on land formerly belonging to the Scituate Housing Authority. The project was awarded 9% federal low-income housing tax credits, HOME funds, Affordable Housing Trust Funds. The facility was awarded these funds in 2019 and anticipates a loan closing later this year.

As you can see from our development history and strong reputation with the Massachusetts Department of Housing and Development (DHCD) we ask that you rely on the financial worthiness of others. We are requesting not to submit financial information on The Grantham Group, LLC.

The project is "shovel ready" having received a final Comprehensive Permit pursuant to MGL 40B from the Town of Concord in June of 2017. What is particularly notable about the project is that in addition to permitting readiness and the conformance with DHCD priority funding categories, is that the project has significant financial support from the Town of Concord as evidenced by a local funding commitment of \$2 million to support the Project. This financing package which is comprised of \$1 million in free cash and the balance from Community Preservation Act funds was approved by Town Meeting in Spring of 2017.

The Project is well conceived from a design perspective, conforms to the 2007 Sustainable Development objectives, will serve to catalyze economic development in Concord, and will improve the quality of life for residents of the Concord area.

As you review the application it is my belief that you will find that Christopher Heights of Concord not only meets but exceeds the WestMetro HOME Consortium's criteria for selection. Furthermore, our commitment to achieving LEED New Construction certification for this facility. In support of these claims we offer the following justifications:

- New Housing Creation - the Project will create 83 new units of housing to the Concord market, 43 of which will be designated for individuals meeting the requirements of HUD's definition of low-income. Seventeen of those units will serve elders meeting the definition of extremely low income (individuals below 30% of the Area Median Income). The remaining 40 units will be designated for individuals below 150% of the Area Median Income.

- Community Development Impact – the Project is the centerpiece of redevelopment on the Junction Village site, a parcel conveyed by the Commonwealth to the Town of Concord expressly for use as affordable housing development. The Concord community and Concord Housing Development Corporation have actively supported the creation of Christopher Heights of Concord;
- Conserve Resources – the Project will be constructed according to the Stretch Energy Code and will pursue LEED Certification using a high-performance building envelope and mechanical systems as well as use sustainable products, materials and methods in construction;
- Expand Housing Opportunities - the Project will create low-cost, modern and safe housing alternatives with a highly developed service plan to meet the needs of frail elderly and other individuals with special needs;
- Promotes Fair Housing Principles – the Project will follow a proven affirmative fair housing plan which has to date been fully implemented and successful in all Christopher Heights affordable assisted living facilities;
- Local Support – the Project enjoys substantial local support manifest in Town Meeting’s Approval of \$2 million of local funding to support the project;
- Development Team – The Grantham Group, LLC and the entire development team has a proven track record of success in building and operating affordable assisted living facilities and enjoys the respect and trust of MassHousing, MassDevelopment and DHCD;
- Economic Benefit – the Project will generate over \$13,000,000 of direct new construction spending thereby generating 65 construction period jobs while creating 40 new permanent full-time equivalent jobs that will introduce approximately \$1,500,000 in payroll into the local economy. Additionally, the facility will annual purchases of goods/services from local vendors of over \$200,000.

In closing, we would like to reiterate our appreciation for WestMeto HOME Consortium’s consideration of the Project, we are confident that the Consortium will recognize the Project’s merits in terms of its efficient use of scarce state housing resources in the service of low- and moderate-income seniors without access to affordable assisted living options.

Sincerely yours,

Walter Ohanian

Walter Ohanian
Managing Director

	WESTMETRO HOME CONSORTIUM FUNDING APPLICATION																			
Project NAME	Christopher Heights of Concord																			
Project LOCATION	6X Winthrop Street, Concord, MA 01742																			
Project CONTACTS	<table><tr><td>Name & title of organization</td><td>Email</td><td>Phone</td><td>Mailing address</td></tr><tr><td>Owner</td><td>Concord Heights ALF LP wohanian@grantham-group.com</td><td>508-281-8001</td><td>99 Pleasant Street Marlborough, MA 01752</td></tr><tr><td>Developer</td><td>The Grantham Group, LLC wohanian@grantham-group.com</td><td>508-281-8001</td><td>99 Pleasant Street Marlborough, MA 01752</td></tr><tr><td>Community Contact</td><td></td><td></td><td></td></tr></table>				Name & title of organization	Email	Phone	Mailing address	Owner	Concord Heights ALF LP wohanian@grantham-group.com	508-281-8001	99 Pleasant Street Marlborough, MA 01752	Developer	The Grantham Group, LLC wohanian@grantham-group.com	508-281-8001	99 Pleasant Street Marlborough, MA 01752	Community Contact			
Name & title of organization	Email	Phone	Mailing address																	
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Developer	The Grantham Group, LLC wohanian@grantham-group.com	508-281-8001	99 Pleasant Street Marlborough, MA 01752																	
Community Contact																				
Project SIZE	Site Acreage: 3 acres of a 12.8 acre site	Total building gross square footage: Approx. 54,0000	Total living (net) square footage: Approx. 29,000																	
Project FUNDING	HOME funds requested: \$463,555	Total other funds to be used: LIHTC, HOME, HSF, AHTF	Total project cost: \$18,718,935																	
Project SUMMARY & NEEDS	Provide a brief summary of the project, including: Location (amenities within walking distance, access to transit); short summary of details on page 2 (rehabilitation or new construction; target population; type of housing; special features); proposed measurable outcomes and brief citations (section & page) showing how the project meets a priority need(s) identified in the <i>FY16-20Consolidated Plan</i> .																			
MIKE CAN YOU COPY AND PASTE FROM THE ONESTOP. I DON'T HAVE THE PROJECT DESCRIPTION IN MS WORD																				

SOURCES OF FUNDS <i>Check all that apply.</i>							
X HOME funds	\$463,555	X Other (identify sources)					
<input type="checkbox"/> CDBG funds	\$	HOME	\$825,000				
X CPA funds	\$1,000,000	HSF	\$1,000,000				
X Private bank loan	\$8,330,380	AHFT	\$1,500,000				
X Sales revenue	\$ see budget	Town of Concord	\$1,000,000				
USES OF HOME FUNDS <i>Check all that apply.</i>							
<input type="checkbox"/> Acquisition	<input type="checkbox"/> Rehabilitation	X New construction	<input type="checkbox"/> Redevelopment				
TARGET POPULATION & SPECIAL FEATURES <i>Check all that apply.</i>							
<input type="checkbox"/> Individual/Family	X Age Restricted	<input type="checkbox"/> Homeless/At Risk of Homelessness					
X Special needs/disabilities (identify population & provider of support services, if any): Assisted Living							
<input type="checkbox"/> Special features (historic preservation, sustainability, etc.):							
TYPE OF HOUSING <i>Check all that apply.</i>							
<input type="checkbox"/> Homeownership	X Rental	<input type="checkbox"/> Combination or other (identify):					
<input type="checkbox"/> Individual/Family							
<input type="checkbox"/> Single Room Occupancy / Group Residence							
<input type="checkbox"/> Condominium	<input type="checkbox"/> Permanent Supportive Housing						
UNIT COMPOSITION <i>List the development's number of units in each category.</i>							
	≤ 30% AMI	≤ 50% AMI	≤ 60% AMI	≤ 80% AMI	80% - 100% AMI	≤ 150% AMI	Total Units
SRO							
Studio	14		23			34	71
1 BR	3		3			6	12
2 BR							
3 BR							
4 BR/+							
HOME Units							
OUTREACH <i>Summarize efforts to date to communicate with abutters, neighborhood residents & local officials.</i>							
<p>The Grantham Group, LLC along with the Concord Housing Development Corporations (CHDC) have had extensive meetings to engage community involvement for the visioning of this site. The planning process included design charrettes and other visioning exercise that have arrived at a master plan for the site. In an effort to show the Town's support the Town voted at its the Spring of 2017 town Meeting to commit \$2,000,000 towards this project. The project also received a Comprehensive Permit from the Concord Zoning Board of Appeals in that same year.</p>							

Development Team Information

X Resumes of key members of the development team.

General Contractor

Name: TBD but currently working with Cutler Associates

Address: 43 Harvard Street, Worcester, MA

Contact Person Garth Johnson

Telephone: (508) 757 - 7500

Email: gjohnson@cutlerdb.com

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Architect

Name: SMOOK Architecture & Urban Design, Inc.

Address: 8 Lyman Street, Westborough, MA

Contact Person Clay Smook

Telephone: (617) 423 - 3040

Email: __ clay@smookarchitecture.com

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Engineer

Name: Fuss and O'Neill

Address: 78 Interstate Drive | West Springfield, MA 01089

Contact Person Dan Delany

Telephone: (413) 452 - 0445

Email: ddelany@fando.com

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Management Agent

Name: The Grantham Group, LLC

Address: 99 Pleasant Street, Marlborough, MA 01752

Contact Person Walter Ohanian

Telephone: (508) 281 - 8001

Email: wohanian@grantham-group.com

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Attorney

Name: Lenzo Law

Address: 12 Hayloft Lane Marshfield MA 02050

Contact Person Dan F. Lenzo Esq.

Telephone: (617) 966 - 6808

Email: _____

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Development Consultant

Name: Potomac Capital Advisors

Address: 303 Congress Street Boston, MA 02210

Contact Person Brian LaRoche

Telephone: (617) 723 - 5030 ext. 203

Email: blaroche@potomac-capital.com

Minority Business Enterprise: Yes ☐ No ☒

Women's Business Enterprise: Yes ☐ No ☒

Section 3 Business Concern: Yes ☐ No ☒

Bedford
Belmont
Brookline
Concord
Framingham
Lexington

WESTMETRO HOME CONSORTIUM

City of Newton, Representative Member
1000 Commonwealth Avenue
Newton, MA 02459-1449
(617) 796-1125

Natick
Needham
Newton
Sudbury
Waltham
Watertown
Wayland

September 18, 2019

To all WestMetro HOME Consortium Members

Re: HOME Subrecipient Agreements

Dear Consortium Members,

The enclosed agreements incorporate a combination of feedback and comments received by Newton's Legal Department and Member Communities following creation of the FY19 HOME Subrecipient Agreements. Overall, the Agreements set forth the terms and conditions under which each Member Community becomes the subrecipient of HOME funds, as well as outline the *General Provisions* and processes by which funds may be sub-awarded. It is important to note that Schedules A and B are specific to each Member Community based on the projects, programs and available resources outlined in the HM20 Annual Action Plan.

Please review and execute all three original copies of the enclosed agreement within four weeks and return all to my attention. Additionally, please note the **Directions** detailed on the **Yellow Sheet** which provides essential information for the streamlined execution of your FY20 HOME Subrecipient Agreements. You can request electronic copies of all forms. Once executed, we will return one fully executed agreement back to you to maintain in your files.

Should you have any questions or concerns, please do not hesitate to reach out at either (617) 796-1125 or rpowers@newtonma.gov.

Thank you all for your patience and attention to this matter.



Rachel Powers,
Community Development & HOME Program Manager

CC: Eamon Bencivengo, Housing Development Planner

HOW TO PROCESS AN FY20 HOME SUBRECIPIENT GRANT AGREEMENT

Please Read Carefully BEFORE Signing Your Copies!

The City of Newton will release annual Subrecipient contracts in the summer following July 1 of each new fiscal year.

You are receiving three identical copies of your FY20 Grant Agreement for processing. (If you would like to receive any of the attachments electronically, contact Rachel Powers at rpowers@newtonma.gov or Eamon Bencivengo at ebencivengo@newtonma.gov. Please complete and return all three sets. Once the agreement is fully executed, a complete original Agreement will be mailed to your agency.

The first part of the agreement outlines the general provisions and regulations that apply to the grant. Schedules A-H defines the project budget & description, programmatic requirements, performance schedule, financial management, authorization and insurance provisions of the agreement. Please note that the Obligation Date is the month when HUD approves the AAP and releases the funds into IDIS., The Program Completion Date/Expenditure Date is June 30, 2027 pursuant to HUD requirements. However, projects have a four-year completion date after commitment in IDIS.

Please review your agreements carefully for accuracy and consistency with proposed FY20 projects and activities, paying special attention to ALL the tabbed pages. Several of these pages require additional signatures and municipal information in order to execute. Note that FY20 funds cannot be accessed until your agreements are fully executed. If changes are required, please contact Rachel or Eamon at your earliest convenience to prevent processing delays.

COMPLETING THE FORMS: **YOU MUST COMPLETE ALL OF THE FOLLOWING SIX STEPS:**

- 1) **Signatories Page – Page 9.** The highest-ranking authorized public official (i.e. Mayor, Town Manager, Chair of Board of Selectmen) should sign and enter the date and their title on the designated line on all three copies of the Agreement.

["Authorized" means having received prior official designation as a signatory by the governing board of the corporation and the authorization must still be in effect on the date the contract is signed.]

This page will later be signed by several Newton City officials, including Newton's Mayor. The City of Newton will complete execution once the City has a signed Agreement with HUD. After the Mayor signs, the process is complete, and you will receive one set of the signed and executed contracts for your files. **Please note that contracts cannot be executed until your agency is renewed and actively registered on SAM.Gov.**

- 2) **Schedule F – Insurance Requirements.** Please note the Insurance Requirements outlined in this section when subawarding HOME funds to subrecipients, contractors and grantees. A current valid **Certificate of Insurance** is to be provided by their insurer and attached to any agreements for HOME funds. Be certain that their coverage complies with the requirements stated in Schedule F and that it is still in effect (not expired).

- 3) **Schedule G – Certificate of Execution.** This certificate is to be signed, once again, by the highest ranking authorized public official, approved by legal counsel and certified by the clerk or secretary of the organization. By certifying, the clerk declares that, prior to the date the contract is signed, the individual who signs page 9 of the contract has

received explicit authorization to sign the contract and that the authorization is still in effect at the time of signing. **The clerk must sign all three copies of the Certificate of Authority.**

- 4) **Schedule H-Forms: Fair Housing & Equal Opportunity Report.** The FHEO form should document the total number of municipal employees and demographics as of July 1, 2019. This form is to be completed, signed and dated by pertinent Community Staff (i.e. Planning or Human Resource Staff) and attached with the organization's equal opportunity policy.
- 5) **Schedule H- Forms: FFATA.** The Federal Funding Accountability and Transparency Act (FFATA) requires federal awards and subawards of \$30,000 or more to be reported and made available to the public through a single, searchable reporting website. This form is to be completed, signed and dated by pertinent Community Staff. Each community's DUNS Number must be included.
- 6) **Schedule H-Forms: Subpart F Audit Form.** Please complete this form and forward your organization's most recent annual audit. If not yet completed, please indicate that on the form and submit later. Electronic submissions of this document are preferred.

Remember: ALL signatures on ALL pages must be original signatures!

If you have a question or want clarification of any of these instructions, contact Rachel or Eamon! Failure to complete and review each of these critical components will result in delays in executing your community's agreements!

Town of Concord
Finance Department
Memorandum

TO: Stephen J. Crane, Town Manager

FROM: Kerry A. Lafleur, Finance Director *KAL*

SUBJ: 2019 Refunding Bond Sale

DATE: October 4, 2019

On October 1, 2019, the Town received competitive bids from bond underwriters for a \$5,470,000, 9- year refunding bond issue. You may recall that the Select Board originally authorized a \$6.1M refunding issue, however, based upon the anticipated premium, the Town opted to accept bids for \$5.47M, and as it turned out, bidding was so strong that the final issue will be resized to an issuance of \$5,170,000.

The Town received a total of nine- (9) bids on the Bonds. Bids were ranked by lowest True Interest Cost (TIC), with the winning bid received from Morgan Stanley & Company, LLC. This original bid provided a True Interest Cost of 1.268826%, including a premium of \$1,031,820.38. All bids are summarized in the tabulation below.

	Bidder	TIC	Premium
1	Morgan Stanley & Company, LLC	1.268826	\$ 1,031,820.38
2	Janney Montgomery Scott, LLC	1.286648	\$ 1,026,310.10
3	USB Financial Services, Inc.	1.290501	\$ 1,025,057.53
4	BIK Financial Securities, Inc.	1.290712	\$ 1,024,991.75
5	BNY Mellon Capital Markets	1.299855	\$ 1,022,142.25
6	Mesirow Financial, Inc.	1.302001	\$ 1,021,473.55
7	SWBC Investment Services, LLC	1.305189	\$ 1,020,480.75
8	The Baker Group	1.327859	\$ 1,013,425.05
9	Robert W. Baird & Company, Inc.	1.377804	\$ 939,595.45
	spread:	0.108978	
	basis points:	10.897800	

As is allowed under refunding issuance protocol, the bond issue has been resized to account for the premium. The resized bond issue is \$5,170,000, with a resized premium of \$988,968.25. In addition to resizing the issue, the premium will also pay for the

issuance costs of \$58,675 plus the Underwriter's cost of \$3,574.08. According to the Town's financial advisor, an Underwriter's cost of this miniscule amount means that this issuance was essentially "riskless," and that the Underwriter likely had the entire issue sold before it was bid.

The net present value savings associated with this refunding is \$632,827, or 10.37%. As mentioned previously, a NPV savings of 3% is generally viewed as the "break-even" benchmark. The estimated savings to median household over life of bond due to premium is: approximately \$90, or about \$10 per year.

The Bond Proceeds will be used to refinance the remainder of Willard School Construction debt originally issued on January 15, 2010. There are no additional call dates associated with Willard School debt.

Prior to the sale, Moody's Investors Service, a municipal bond credit rating agency, affirmed the Town's Aaa underlying rating, the highest rating attainable. The rating agency cited a strong tax base with high residential wealth and income, healthy reserves and liquidity that is bolstered by conservative management and historical support from taxpayers for debt exclusions and overrides to the tax levy limits, a below average debt burden and aggressive contributions towards its unfunded pension and OPEB liabilities as positive credit factors.

The bid from Morgan Stanley & Company, LLC for the bonds was accepted by the Deputy Treasurer on behalf of the Town, subject to approval of the Select Board. At its meeting of October 7, 2019, I seek approval from the Select Board to approve the bond award and execute all required documents.

/kal

Certificate of Award

I, the Treasurer of the Town of Concord, Massachusetts, hereby award the \$5,170,000 General Obligation School Refunding Bonds dated October 17, 2019 (the "Bonds") to the bidder submitting the bid attached hereto in accordance with the terms set forth in the attached bid and in the Notice of Sale dated September 25, 2019, relating to the Bonds, subject to the approval of this award by the Select Board.

Date: October 1, 2019


Deputy Treasurer



7 World Trade Center
250 Greenwich Street
New York 10007
www.moodys.com

September 26, 2019

Mr. Kerry Lafleur
Town of Concord, MA
22 Monument Square
Concord, MA 01742

Dear Mr. Lafleur:

We wish to inform you that on September 26, 2019, Moody's Investors Service reviewed and assigned a rating of Aaa to Town of Concord, MA, General Obligation School Refunding Bonds.

Credit ratings issued by Moody's Investors Service, Inc. and its affiliates ("Moody's") are Moody's current opinions of the relative future credit risk of entities, credit commitments, or debt or debt-like securities and are not statements of current or historical fact. Moody's credit ratings address credit risk only and do not address any other risk, including but not limited to: liquidity risk, market value risk, or price volatility.

This letter uses capitalized terms and rating symbols that are defined or referenced either in *Moody's Definitions and Symbols Guide* or *MIS Code of Professional Conduct* as of the date of this letter, both published on www.moodys.com. The Credit Ratings will be publicly disseminated by Moody's through normal print and electronic media as well as in response to verbal requests to Moody's Rating Desk. Moody's related research and analyses will also be published on www.moodys.com and may be further distributed as otherwise agreed in writing with us.

Moody's Credit Ratings or any corresponding outlook, if assigned, will be subject to revision, suspension or withdrawal, or may be placed on review, by Moody's at any time, without notice, in the sole discretion of Moody's. For the most current Credit Rating, please visit www.moodys.com.

Moody's has not consented and will not consent to being named as an expert under applicable securities laws, such as section 7 of the Securities Act of 1933. The assignment of a rating does not create a fiduciary relationship between Moody's and you or between Moody's and other recipients of a Credit Rating. Moody's Credit Ratings are not and do not provide investment advice or recommendations to purchase, sell or hold particular securities. Moody's issues Credit Ratings with the expectation and understanding that each investor will make its own evaluation of each security that is under consideration for purchase, sale or holding.

Moody's adopts all necessary measures so that the information it uses in assigning a Credit Rating is of sufficient quality and from sources Moody's considers to be reliable including, when appropriate, independent third-party sources. However, Moody's is not an auditor and cannot in every instance independently validate or verify information received in the rating process. Moody's expects and is relying upon you possessing all legal rights and required consents to disclose the information to Moody's, and that such information is not subject to any restrictions that would prevent use by Moody's for its ratings process. In assigning the Credit Ratings, Moody's has relied upon the truth, accuracy, and completeness of the information supplied by you or on your behalf to Moody's. Moody's expects that you will, and is relying upon you to, on an ongoing basis, promptly provide

September 26, 2019

Ms. Kerry Lafleur
Town of Concord, MA
22 Monument Square
Concord, MA 01742

Moody's with all information necessary in order for Moody's to accurately and timely monitor the Credit Ratings, including current financial and statistical information.

Under no circumstances shall Moody's have any liability (whether in contract, tort or otherwise) to any person or entity for any loss, injury or damage or cost caused by, resulting from, or relating to, in whole or in part, directly or indirectly, any action or error (negligent or otherwise) on the part of, or other circumstance or contingency within or outside the control of, Moody's or any of its or its affiliates' directors, officers, employees or agents in connection with the Credit Ratings. **ALL INFORMATION, INCLUDING THE CREDIT RATING, ANY FEEDBACK OR OTHER COMMUNICATION RELATING THERETO IS PROVIDED "AS IS" WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND. MOODY'S MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, TIMELINESS, COMPLETENESS, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OF ANY SUCH INFORMATION.**

Any non-public information discussed with or revealed to you must be kept confidential and only disclosed either (i) to your legal counsel acting in their capacity as such; (ii) to your other authorized agents acting in their capacity as such with a need to know that have entered into non-disclosure agreements with Moody's in the form provided by Moody's and (iii) as required by applicable law or regulation. You agree to cause your employees, affiliates, agents and advisors to keep non-public information confidential.

If there is a conflict between the terms of this rating letter and any related Moody's rating application, the terms of the executed rating application will govern and supercede this rating letter.

Should you have any questions regarding the above, please do not hesitate to contact me or the analyst assigned to this transaction, Nicholas Lehman at 617-371-2940.

Sincerely,

Moody's Investors Service Inc.

Moody's Investors Service Inc.

cc:

Mr. Peter Frazier
Hilltop Securities Inc.
54 Canal Street, 3rd Floor
Boston, MA 02114

Upcoming Calendar

Overview

Result

Excel

Morgan Stanley & Co, LLC - New York , NY's Bid



Concord (Town)

\$5,470,000 General Obligation School Refunding Bonds

For the aggregate principal amount of \$5,470,000.00, we will pay you \$6,501,820.38, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Coupon %	Yield %	Dollar Price	Bond Insurance
01/15/2021	555M	5.0000	1.1900	104.690	
01/15/2022	615M	5.0000	1.2000	108.388	
01/15/2023	615M	5.0000	1.2000	112.054	
01/15/2024	615M	5.0000	1.2000	115.677	
01/15/2025	615M	5.0000	1.2000	119.256	
01/15/2026	615M	5.0000	1.2200	122.658	
01/15/2027	615M	5.0000	1.2700	125.736	
01/15/2028	615M	5.0000	1.2900	128.926	
01/15/2029	610M	5.0000	1.3400	131.721	

Total Interest Cost: \$1,445,355.56

Premium: \$1,031,820.38

Net Interest Cost: \$413,535.18

TIC: 1.268826

Total Insurance Premium:

Time Last Bid Received On: 10/01/2019 10:59:48 EDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Morgan Stanley & Co, LLC, New York , NY

Contact: Daniel Kelly

Title: Executive Director

Telephone: 212-761-1541

Fax: 212-507-2510

Issuer Name: Town of Concord

Company Name: _____

Accepted By: _____ Accepted By: _____

Date: _____ Date: _____

Town of Concord
Finance Department
Memorandum

TO: Stephen J. Crane Town Manager

FROM: Kerry A. Lafleur, Finance Director
Mary Barrett, Town Accountant

SUBJ: Designation of signing warrants

DATE: October 03, 2019

Prior to the adoption of the Municipal Modernization Act, approval was required by the majority of the Select Board members for payment warrants (AP and Payroll.) Payment warrants are generated on a weekly basis. However, the Board does not meet weekly. Past practices in Concord have been to have the members come in and sign or the Town Manager would sign a letter granting release of the checks.

With the implementation of *Chapter 218 Section 57 of the Acts of 2016* (An Act Modernizing Municipal Finance and Government), the Select Board is allowed to do the following with respect to signing the warrants:

MGL Chapter 41 Section 52 amendment: “The board of selectmen may designate any 1 of its members for the purpose of approving bills or payrolls under this section; provided, however, that the member shall make available to the board, at the first meeting following such action, a record of such actions. This provision shall not limit the responsibility of each member of the board of selectmen in the event of noncompliance with this section.”

However, there may be another option under **MGL Chapter 43B Section 20** whereby the members of the Select Board can propose a change to the Town Charter and with approval by the legislative body allow the Town Manager to sign on their behalf.

In order to be in compliance with MGL, the warrants will need to be signed by the majority of the board or adopting one of the options referenced above.

At this time, I am requesting that you add this item to a future Select Board agenda. Our recommendation is for the Select Board to consider designating one board member to sign warrants during the weeks when the board does not convene.

/kal
/mmb